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1522-AC06742 - PAULETTE CURTIS V FINANCIAL RECOVERY SERVICES, INC (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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Display Options:

06/26/2015	<input type="checkbox"/>	Motion for Continuance
		Plaintiff's Motion for Continuance.
		Filed By: RICHARD ANTHONY VOYTAS
		On Behalf Of: PAULETTE CURTIS
06/11/2015	<input type="checkbox"/>	Notice of Service
		Return of Service on Defendant Financial Recovery Services, Inc..
		Filed By: RICHARD ANTHONY VOYTAS
		On Behalf Of: PAULETTE CURTIS
	<input type="checkbox"/>	Corporation Served
		Document ID - 15-ADSM-4589; Served To - FINANCIAL RECOVERY SERVICES, INC.; Server - ; Served Date - 04-JUN-15; Served Time - 14:33:00; Service Type - Special Process Server; Reason Description - Served
06/03/2015	<input type="checkbox"/>	Summons Issued-Associate
		Document ID: 15-ADSM-4589, for FINANCIAL RECOVERY SERVICES, INC..
06/02/2015	<input type="checkbox"/>	Hearing Scheduled
		Scheduled For: 07/01/2015; 9:30 AM ; BARBARA PEEBLES; City of St. Louis
06/01/2015	<input type="checkbox"/>	Filing Info Sheet eFiling
		Filed By: RICHARD ANTHONY VOYTAS
	<input type="checkbox"/>	Motion Special Process Server
		Plaintiff s Request for Appointment of Process Server.
		Filed By: RICHARD ANTHONY VOYTAS
		On Behalf Of: PAULETTE CURTIS
	<input type="checkbox"/>	Pet Filed in Associate Ct
		Petition.
		Filed By: RICHARD ANTHONY VOYTAS
	<input type="checkbox"/>	Judge Assigned




IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: BARBARA PEEBLES	Case Number: 1522-AC06742
Plaintiff/Petitioner: PAULETTE CURTIS	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS 1 NORTH TAYLOR ST LOUIS, MO 63108
Defendant/Respondent: FINANCIAL RECOVERY SERVICES, INC.	Date, Time and Location of Court Appearance: 01-JUL-2015, 09:30 AM Division 27 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: AC Other Tort	(Date File Stamp)

Associate Division Summons

The State of Missouri to: FINANCIAL RECOVERY SERVICES, INC. Alias:	
CT CORPORATION SYSTEM 120 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	SPECIAL PROCESS SERVER

 You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

JUNE 3, 2015 _____
Date _____
Further Information: _____
Thomas Kloeppinger, Circuit Clerk

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____
Date _____ Notary Public _____

Sheriff's Fees, if applicable	
Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

1522-AC06742

Electronically Filed - City of St. Louis - June 01, 2015 - 11:33 AM

IN THE CIRCUIT COURT
CITY OF ST. LOUIS
STATE OF MISSOURI
ASSOCIATE DIVISION

PAULETTE CURTIS)	
)	
Plaintiff,)	
)	
v.)	Cause No
)	
FINANCIAL RECOVERY SERVICES, INC.)	
)	Division
Serve at:)	
CT Corporation System)	
120 South Central Avenue)	
Clayton, MO 63105)	
)	
Defendant.)	JURY TRIAL DEMANDED

PETITION

COMES NOW Plaintiff, Paulette Curtis, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant's collection activity was directed to Plaintiff in the City of St. Louis, Missouri. Venue is also proper in the City of St. Louis, Missouri for this reason.

PARTIES

4. Plaintiff is a natural person currently residing in St. Louis, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA.

5. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions. Specifically, the alleged debt originated from a personal credit card.

6. Defendant Financial Recovery Services, Inc. is a foreign corporation with its principal place of business in Minneapolis, Minnesota.

7. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

8. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTS

9. Defendant's collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

10. On or about April 14, 2015, Defendant sent a collection letter to Plaintiff.

11. Defendant's letter stated that Defendant was attempting to collect a credit card debt of nearly \$1,300.

12. Plaintiff could not afford to pay the alleged debt.

13. The letter invited Plaintiff to call Defendant to discuss the alleged debt.

14. Shortly after the time she received the letter, Plaintiff had already hired a bankruptcy attorney to represent her.

15. Plaintiff called Defendant in May 2015 to inform Defendant of her inability to pay and her attorney representation ("the call").

16. During the call, Plaintiff told Defendant that she had hired an attorney to represent her on the alleged debt.

17. Plaintiff then gave Defendant her attorney's name.

18. Pursuant to 15 U.S.C. § 1692c(a)(2), now that Defendant had actual knowledge that Plaintiff had an attorney, Defendant should have ceased communicating with Plaintiff and should have simply taken the attorney's telephone number and address.

19. Rather than respect Plaintiff's right to counsel, Defendant asked Plaintiff to set up a payment plan in lieu of her attorney representation.

20. Defendant told Plaintiff that she was in the "pre-legal" department at the collection agency; this was false rhetoric designed to pressure Plaintiff with an illusory threat of litigation.

21. At no time did Defendant intend on pursuing legal action against Plaintiff; at best, Defendant simply would have sent the debt back to the debt buyer if Defendant was unable to collect.

22. Plaintiff eventually was able to provide her attorney's telephone number and ended the call thereafter.

23. Plaintiff never entered into any agreement whereby she consented to arbitrate disputes between herself and Defendant.

24. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to anxiety, frustration, and worry.

COUNT I: VIOLATION OF THE FDCPA

25. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

26. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:

- a. Communicating with a consumer known to be to be represented by an attorney without attempting to contact the attorney and without the attorney's consent, 15 U.S.C. § 1692c;
- b. Using oppressive, deceptive, and unfair collection tactics, including but not limited to attempting to induce Plaintiff to forgo her attorney representation having been informed of the representation moments prior, 15 U.S.C. § 1692d-f.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

VOYTAS & COMPANY

/s/ Richard A. Voytas, Jr.

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